



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,031	05/11/2006	Rafael Aragonés Martínez		3886

7590 01/29/2009
Evelyn A Defillo
Defillo & Associates Inc
4922 Eagle Cove South Drive
Palm Harbor, FL 34685

EXAMINER

CHAN, SING P

ART UNIT	PAPER NUMBER
----------	--------------

1791

MAIL DATE	DELIVERY MODE
-----------	---------------

01/29/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/579,031	Applicant(s) ARAGONES MARTINEZ ET AL.	
	Examiner SING P. CHAN	Art Unit 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 11-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Admitted prior art (APA) in view of Andersson et al (WO 03/086744).

Regarding claim 11, APA prior art discloses an apparatus for forming bags. The apparatus includes transfer rollers with plate or band or rubber containing cells in which the glue is deposited and transferred to the flaps of the paper sheet for their closure and shaping the bottom of the bag (See Specification, Paragraph 11), gluing points mounted onto ruler guide on an application roller for applying glue to the front and back opening of the different layers and sheets (See Specification, Paragraph 13) with the gluing points constitute independent pieces mounted on the ruler guide with a lower shaft threaded around the power strip and an upper shaft threaded around the glue point

Art Unit: 1791

(See Specification, Paragraph 15), which inherently would allow the glue point to be interchangeable. APA is silent as to the applying roller plate includes protrusions in parallel rows with crest and valleys and applying the glue only to the crests. However, providing protrusions in parallel rows on a transfer roller with crest and valleys and applying the glue only to the crests is well known and conventional as shown for example by Andersson et al. Andersson et al discloses an apparatus for bonding multiply webs. The apparatus includes a glue transfer rollers with a pattern of protuberances (6) and the glue is only applied to the tops of the protuberances (6) by a glue roll (4) (Page 5, lines 10-15). One of ordinary skill in the art reading APA and Andersson et al would appreciate the apparatus APA can be modified by forming the protuberances of Andersson et al in place of the cells and applying the glue only to the tops of the protuberance or crest.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a glue transfer roller with protuberances and applying the glue only to the tops of the protuberances as disclosed Andersson et al in the apparatus of APA to provide a good plybonding and maintain good web or sheet strength. (See Andersson et al, Page 3, lines 1-3)

Regarding claims 12-19, APA as modified above discloses the glue points includes rubber, plastic or metal in shapes such as circular, elliptical or rectangular configuration (See Specification, Paragraph 14), but is silent as to the shape of the crest and the glue point being triangular. However, Andersson et al does recite the glue sites can by any optional shape such as small points, lines, figures, letters, and fantasy

Art Unit: 1791

pattern (Page 4, lines 13-14) and sizes (Page 5, lines 27-39). Therefore, one of ordinary skill in the art reading Andersson et al would appreciate the protuberances or crest can be formed into any shape and sizes as desired and would logically provided the needed shape for the glue pattern.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to logically provide any shape and size for the glue applicators, i.e. glue points and crest of the transfer plate, in the apparatus of APA as modified by Andersson et al to provide a good plybonding and maintain good web or sheet strength. (See Andersson et al, Page 3, lines 1-3)

Response to Arguments

4. Applicant's arguments, see Page 7, line 7 to Page 9, line 12, filed October 27, 2008, with respect to the rejection(s) of claim(s) 11-19 under 35 USC 102(b) and 35 USC 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Andersson et al (WO 03/086744), which provided the teaching of applying glue with a transfer roller with protrusions or crest and applying the glue only to the crests or tops. Furthermore, Andersson et al teaches the glue site can be any desired shapes (Page 4, lines 13-14) and sizes (Page 5, lines 27-39).

5. The objection to the Specification and 112 rejections are withdrawn as per the amendments to correct the cited defects.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SING P. CHAN whose telephone number is (571)272-1225. The examiner can normally be reached on Monday-Thursday 7:30AM-11:00AM and 12:00PM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Philip C. Tucker can be reached on 571-272-1095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1791

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sing P Chan/
Acting Examiner of Art Unit 1791

/Philip C Tucker/
Supervisory Patent Examiner, Art Unit 1791